

Attorney Docket No.: RU-0130
Inventors: Yurkow and Mermelstein
Serial No.: 09/913,435
Filing Date: February 2, 2002
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REMARKS

Claims 1 and 5 are pending in the instant application. Claims 1 and 5 have been rejected. Claims 1 and 5 have been amended. Support for these amendments is provided in the specification at page 4, lines 27-34 and page 5, lines 8-12. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Objection to Disclosure

Applicants have amended the specification to correct the inadvertent typographical error noted by the Examiner at page 5, line 16. Withdrawal of the objection to the disclosure in light of this typographical error is therefore respectfully requested.

II. Provisional obviousness-type double patenting rejection

Claims 1 and 5 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of copending patent application Serial No. 10/228,644. The Examiner suggests that while the conflicting claims are not identical, they are not patentably distinct from each other because of overlapping

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subject matter with respect to administration of redox clamping agents in conjunction with anti-cancer agents.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants are providing herewith a terminal disclaimer with respect to U.S. Patent Application Serial No. 10/228,644.

Withdrawal of this provisional obviousness-type double patenting rejection is therefore respectfully requested.

III. Rejection of Claims 1 and 5 under 35 U.S.C. § 112, second paragraph

Claims 1 and 5 have been rejected under 35 U.S.C. § 112, second paragraph. The Examiner suggests that the phrase "selected redox state" is indefinite because selective is a relative term not defined by the claims. Thus, in an earnest effort to advance the prosecution of this case and in accordance with teachings in the specification at page 4, lines 27-29 and page 5, lines 8-12, applicants have replaced the phrase "selected redox state" with the phrase --specific redox state--.

Withdrawal of this rejection under 35 U.S.C. § 112, second paragraph, is therefore respectfully requested.

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IV. Rejection of Claims 1 and 5 under 35 U.S.C. 112, first paragraph

Claims 1 and 5 have been rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement and written description. The Examiner suggests that the redox clamping agents comprising a thiol(sulfhydryl) containing moiety should be included in the claims to meet written description and enablement requirements of 35 U.S.C. § 112, first paragraph.

Thus, in an earnest effort to advance the prosecution of this case and in accordance with the Examiner's suggestion and teachings at page 4, lines 30-34, Applicants have amended the claims to state that the redox clamping agent comprises a thiol(sulfhydryl)-containing molecule.

Withdrawal of these rejections under 35 U.S.C. § 112, first paragraph is therefore respectfully requested.

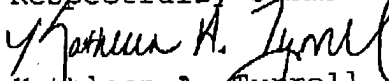
V. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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